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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/402,199	03/10/95	RYAN	M 7026320/6610

24M1/0605
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EXAMINER	
COSIMANO, E	
ART UNIT	PAPER NUMBER
2414	2

DATE MAILED:

06/05/96

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

See attached.

Office Action Summary

Application No.
08/402,199

Applicant(s)
Ryan

Examiner
Edward Cosimano

Group Art Unit
2414



☒ Responsive to communication(s) filed on 10 Mar 1995

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 (THREE) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-41 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☒ Claim(s) 1-10 and 35-41 is/are allowed.

☒ Claim(s) 11-26 and 29-34 is/are rejected.

☒ Claim(s) 27 and 28 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit 2414

1. The drawings are objected to because:

A) the following errors have been noted in the drawings:

(1) the figs lack reference number 900 as disclosed at page 11, line 14, and as required by 37 CFR § 1.84(p(5)).

(2) the figs lack reference number 732 as disclosed at page 12, line 4-5, and as required by 37 CFR § 1.84(p(5)).

(3) the subject matter of page 14, lines 13-17 is not depicted in the figs.

(4) the figs lack reference number 665 as disclosed at page 14, line 26, and page 31, line 3, and as required by 37 CFR § 1.84(p(5)).

(5) the figs lack reference number 776 as disclosed at page 18, line 21, and page 31, line 2, and as required by 37 CFR § 1.84(p(5)).

(6) the figs lack reference number 712 as disclosed at page 24, lines 9 & 13, and page 25, line 5, and as required by 37 CFR § 1.84(p(5)).

(7) the figs lack reference number 728 as disclosed at page 25, line 5, and as required by 37 CFR § 1.84(p(5)).

(8) the figs lack reference number 31 as disclosed at page 29, lines 12-14, and as required by 37 CFR § 1.84(p(5)).

(9) the figs lack reference number 744 as disclosed at page 34, line 15, and as required by 37 CFR § 1.84(p(5)).

Correction is required.

1.1 Applicant is required to submit a proposed drawing correction in response to this Office action. However, correction of the noted defect can be deferred until the application is allowed by the examiner.

2. The disclosure is objected to because of the following informalities:

A) the specification lacks an explicit reference to the nature of reference legend(s) 5, 667 & 669 of fig. 14 as required by 37 CFR § 1.84(p(5)).

B) the following errors have been noted in the specification:

(1) at page 23, lines, 2 & 5, "84(a)-(d)" should be --84(a)-84(d)--, note

Art Unit 2414

also fig. 8 and pages 26 & 35 in regard to reference numbers 115 & 117.

Appropriate correction is required.

3. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, & § 1.84(o,p(5)).

4. Claims 11-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4.1 Claims 11-18 are inoperative and therefore lack utility for the recited purpose of the disclosed and claimed invention, since:

A) the information that is transmitted is not associated with the a fuel delivery as recited in the preamble, and

B) the delivery is not authorized as recited in the preamble.

For as the Court has specifically pointed out, claims must recite utility for the disclosed purpose of the invention, (General Electric Co. V. U.S., 198 U.S.P.Q. 65 (U.S. Court of Claims, 1978), Hanson v. Alpine Valley Ski Area 204 U.S.P.Q. 794 (District Court, E. D. Michigan, N. Div. 1978) and Banning v. Southwestern Bell Telephone C., 182 U.S.P.Q. 683 (SD Tex, 1974)).

4.2 For the above reason(s), applicant has failed to particularly point out what is regarded as the invention.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.1 Claims 11-26 & 29-34 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Ryan (5,204,819).

6. Art of interest, which discloses various aspects of the invention, is cited by the examiner.

7. Claims 27 & 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim

Art Unit 2414

and any intervening claims.

8. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached monday through thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz, can be reached on (703)-309-9714. The fax phone number for this group is (703)-305-9731. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.

05/25/95



Edward R. Cosimano
Primary Examiner A.U. 2414